IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1477 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BARODA MUNICIPAL CORPORATION - Petitioner(s)

Versus

WORKMEN REPRESENTED BY BHARTIYA KARMCHARI SANGH - Respondent(s)

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Appearance :

MR PRANAV G DESAI for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 14/07/2005

ORAL JUDGMENT

1. This petition is directed against the order dated 30th April, 1998 passed by the Industrial Tribunal in Reference [I.T.] No. 47/1989, whereby the Industrial Tribunal has directed the petitioner Corporation to

provide uniform, woolen coats, pay-scale as per their work, grade etc., and further directed to give uniform or pay compensation from the year 1984 along with change in shift.

2. The short facts of the case are that the respondent workmen were serving as Attendants in the guest house of the petitioner Corporation. The respondent workmen raised some demands which were not fulfilled by the petitioner Corporation.

3. Being aggrieved by the said action of the petitioner Corporation, the respondent workmen raised an industrial dispute, which was ultimately referred to the Industrial Tribunal, for adjudication. The Industrial Tribunal after appreciating the materials produced before it, partly allowed the said Reference with the aforesaid directions. Hence, this petition.

4. Mr. Desai learned advocate for the petitioner has submitted that the term of reference which was referred to the Industrial Tribunal was as under :-

> “The demands of all the Attendants working in the Circuit/Guest House of of Parks & Garden Department are as under (the demand dated 21/12/1983 made by the Union on behalf of the 16

employees are mentioned on page 3 of the demand):

1. Whether to give them posts as per their grade and to pay them the difference of salaries or not ?

2. Whether to provide them Uniforms & other facilities as well as wollen coats and raincoats etc., which are due since 1980-81 or not ?

3. So far as the stoppage of washing allowance is concerned, Whether the same shall be paid with difference/arrears or not ?

4. Whether all the Attendants should be given shift after 15 days or not ?

4.1. Mr. Desai has submitted that while considering the issue, the Industrial Tribunal has travelled beyond the terms and has granted the relief from the year 1984 which was not referred to the Industrial Tribunal. Hence, the same is required to be quashed and set aside.

5. I have heard the learned counsel for the parties. Having perused the materials placed on record, it transpires that the items which were allowed by the Industrial Tribunal were not implemented in view of the stay granted by this Court vide order dated 1st March, 1999. Looking to the peculiar facts and circumstances of the case, I am of the opinion that ends of justice would

be met, if the impugned award is implemented. However, I am in complete agreement with the reasonings adopted and findings arrived at by the Industrial Tribunal and it does not call for any interference in this petition.

6. In the result, the petition is dismissed. The order dated 30th April, 1998 passed by the Industrial Tribunal in Reference [I.T.] No. 47/1989, is confirmed. However, it is made clear that the benefits which are granted by the Industrial Tribunal, if it is not paid, the same shall be made applicable from the date of publication of the award. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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